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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH STAR TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN STEVEDORING & HANDLING, and NORTH STAR TERMINAL & STEVEDORE COMPANY, d/b/a NORTHERN STEVEDORING & HANDLING, on its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, and SHORESIDE PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE, on its own behalf,

Intervening Plaintiffs,

No. 3:98-cv-9 (TMB)

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK PRODUCTS, INC.; UNITED STATES FIDELITY AND GUARANTY COMPANY; and ROBERT A. LAPORE,

Defendants.

**NOTICE OF FILING SUPPLEMENTAL AUTHORITY IN SUPPORT OF USF&G MOTION  
FOR SUMMARY JUDGMENT ON BAD FAITH CLAIM**

COMES NOW the Defendant, United States Fidelity & Guaranty Company (USF&G), by and through its bad faith counsel, and herein advises the Court of a recent Decision which held that the surety was not liable for tort or punitive damages for breach of the covenant of good faith and fair dealing because a surety owes no fiduciary duty to, and has no "special relationship" with, the principal. See, Insurance Company of the West v. Gibson Tile Company, Inc., 2006, W. L. 1278706 (Nev. May 11, 2006).

Dated this 15<sup>th</sup> day of June, 2006.

/s Herbert A. Viergutz

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of this document was served by electronic notification on this 15<sup>th</sup> day of June, 2006, to:

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